(2) THE OPIUM AND DANGEROUS DRUGS (MADRAS AMENDMENT) BILL, 1947 (L.A. BILL NO. 35 OF 1947)

* THE HON. MR. DANIEL THOMAS :—" Mr. President, Sir, I move—

'*that the Opium and Dangerous Drugs (Madras Amendment) Bill*[a] (*L.A. Bill No.* 35 *of* 1947), *as passed by the Legislative Assembly, be taken into consideration at once.*'

" Sir, this is a very simple matter. Under the Madras Opium Act, power is given to certain officers of the Excise, Police and Revenue departments to make searches and to seize contraband opium. Hon. Members of this House know that at the present moment eight districts in the Madras Province are being worked by Excise officers in the prohibition department. It is now sought to give the same power to the officers of the Excise offices. The present Bill is intended to give effect to that provision."

MR. PRESIDENT :—" The question is that the Opium and Dangerous Drugs (Madras Amendment) Bill, 1947 (L.A. Bill No. 35 of 1947) as passed by the Legislative Assembly be taken into consideration at once."

The motion was put and carried.

Clause 2

Clause 2 was put and carried.

Clause 1.

Clause 1 was put and carried.

Preamble.

The preamble was put and carried.

THE HON. MR. DANIEL THOMAS :—" Sir, I now move—

'*that the Bill be passed into law.*' "

The motion was put and carried and the Bill was passed into law.

(3) THE MADRAS PROHIBITION (TEMPORARY AMENDMENT) BILL, 1947 (L.A. BILL NO. 36 OF 1947).

* THE HON. MR. DANIEL THOMAS :—" Mr. President, Sir, I move—

'*that the Madras Prohibition (Temporary Amendment) Bill*[b] 1947 (*L.A. Bill No.* 36 *of* 1947), *as passed by the Legislative Assembly be taken into consideration at once.*'

I believe, Sir, this is a formal matter. From the 1st of October 1947, prohibition has been enforced in the district of Guntur. In that district, there is a Government store-house at Vetapalem for

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[a] Printed as Appendix VIII on page 50 infra.
[b] Printed as Appendix IX on page 51 infra.

storing ganja. Under the Prohibition Act, the storage and issue of ganja or other intoxicating drugs is not permissible except for medicinal, scientific, industrial or other purposes. It does not . . ."

MR. PRESIDENT :—" Does the Act apply to the Government? "

THE HON. MR. DANIEL THOMAS :—" It does apply; that is why we have come to this House for power. For the present, it is considered desirable to continue the store-house in Guntur itself, without removing it to another wet area. It is only a temporary affair. I therefore move that the Bill be taken into consideration at once."

MR. PRESIDENT :—" The question is that the Bill temporarily to amend the Madras Prohibition Act, 1937 (L.A. Bill No. 36 of 1947), be taken into consideration at once."

DR. SIR A. LAKSHMANASWAMY MUDALIYAR :—' I am sorry, Sir, I am afraid the Hon. Minister in moving this proposition took it too much for granted that it was a matter of course, as indeed it often is with him for all his acts in connexion with prohibition. I confess, Sir, that before I speak anything, you have yourself hit the nail and asked him whether the Act applies to the Government. I am afraid that in bringing this measure, the Government have done a disservice to themselves and the cause of prohibition, and I am surprised that the Cabinet should have allowed a measure of this kind to be brought up. What are the facts of the case? On the 1st of October this year, prohibition was introduced in the Guntur district. Under the terms of the Prohibition Act, Chapter II, section 4, whoever imports, exports, transports or possesses liquor or any intoxicating drug; or manufactures liquor or any intoxicating drug . . . 'shall be punished with imprisonment which may extend to six months or with fine which may extend to one thousand rupees, or with both.' Those who have been following this trade up to the 1st of October are asked to see that they " do not keep or even have in their possession any materials, still, utensil, implement or apparatus whatsoever for the tapping of toddy or the manufacture of liquor or any intoxicating drug; or bottle any liquor for purposes of sales . . .", etc. This is a most stringent measure and you expect every citizen of the Guntur district to follow it up; and so far as the Government are concerned, you say, we shall, because we have the power to exclude ourselves and excuse ourselves. The Statement of Objects and Reasons is even more drastic in regard to this provision. It is stated here that in Vetapalem there is a store-house; there have been many store-houses in Guntur and in the other prohibition districts which had to be scrapped, consequent on prohibition being introduced there and made applicable to those districts. But in this particular case, the Government want power not only to sell the intoxicating drugs, but to transfer the storage, to export and send them to other provinces. And

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what are the drugs? Not only bhang, but ganja and other drugs. Sir, if the intention of the Government was to introduce prohibition in the Guntur district, the first thing and the best thing was to have destroyed the store-house at Vetapalem. That is the proper method in which I should have thought the Hon. Minister for Prohibition should have tackled it. Instead of that, he is asking the Council to ratify the decision of the Government that so far as their own store-houses are concerned, these drugs can be exported and transported and that other provinces must be made to come under the influence of these drugs. Somehow or other, Sir, it rebels against my very conscience—not that I was very enthusiastic about the Prohibition Act provisions, but if we do pass it, for God's sake, let us keep to it in a manner that it will not be subjected to criticism or cavil. The Hon. Minister says it is a very small matter. I think it is a fundamental matter, and even at this stage, I would request the Hon. Minister and the Leader of the House to review the position because it would create a most unfavourable impression about the policy of the Government in regard to prohibition.''

* THE HON. MR. DANIEL THOMAS :—" I am afraid, Sir, the hon. Member who has just spoken has taken an attitude from, if I may so call it, an *a priori* point of view. I know he does not agree with the prohibition policy of the Government; but for the present purpose he has come forward to make this criticism pursuant to the policy of prohibition adopted by the Government of Madras. So far, I am glad . . . ''

DR. SIR A. LAKSHMANASWAMY MUDALIYAR :—" On a point of personal explanation, Sir. Whatever my view might have been, once the Act was passed, I accepted it wholeheartedly and I do follow it; and I want the Hon. Minister also to follow it."

* THE HON. MR. DANIEL THOMAS :—" I think you need not rake up that question; but I am glad to hear you support it. I said this is a formal matter and I think after hearing me, my hon. Friend will revise his point of view and agree with me that it is a formal matter. The position now is that there are 24 districts in the Province excluding Madras. Of these 24 district areas, 16 are dry and there are eight districts remaining wet and also the City of Madras. The manufacture of opium and ganja is a process in which the Government holds a monopoly. Therefore in these eight districts and also in the Madras City and in the adjoining states like Travancore and Hyderabad and other adjoining Indian States, the authority to manufacture opium and to distribute it is the Government of Madras. The district adjoining Guntur which continues to be wet is Kistna, and there are other districts in Andhradesa which are also wet in contiguity with the district of Kistna. There are also some districts in the south, Tinnevelly, Ramnad, South Arcot and Chingleput, which are also continuing to be wet. The Government, in pursuance of their policy and also their position as exclusive manufacturers of opium, have to manufacture opium so long as there are wet areas in this

Province. Sir, I think that position is a position which the hon. Member will himself agree to. Now, this is a transitional period and that is why I say this is a temporary measure. Therefore, I submit that so long as there are nine wet areas in this Province, and so long as there are adjoining wet areas in contiguity with the Province of Madras, and so long as the position of the Government of Madras is that they are the exclusive monopolist manufacturers and distributors of opium, the position has to be accepted that they have to manufacture, store and transport opium. My hon. Friend is wrong in saying that there are a number of store-houses in Guntur and other places which have been scrapped. I am not sure, but my belief is that there are not many such in that tract of country for the manufacture of opium. The alternative for the Government is to scrap the whole buildings, etc., in Vetapalem in the Guntur district and to transfer it wholesale, brick, mortor, plant and machinery and everything, to the adjoining district of Kistna."

K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—" Why not scrap the manufacture? "

THE HON. MR. DANIEL THOMAS :—" That is a question of policy. So long as the present nine wet areas are there, the manufacture . . ."

DR. SIR A. LAKSHMANASWAMY MUDALIYAR :—" But distilleries are being scrapped under the orders of the Government; I know many distilleries having been scrapped consequent on the introduction of prohibition."

THE HON. MR. DANIEL THOMAS :—" That is not in consequence of the introduction of prohibition; that is due to other things. For example, certain distilleries in wet areas are closed because they are not allowed to manufacture from jaggery. There are various other . . ."

MR. PRESIDENT :—" I think the hon. Member refers to distilleries in dry areas."

THE HON. MR. DANIEL THOMAS :—"So far as I know, there are no distilleries in dry areas."

DR. SIR A. LAKSHMANASWAMY MUDALIYAR :—" I ask a specific question of the Hon. Minister : whether it is not a fact that consequent on the introduction of prohibition, many distilleries have had to be scrapped in the dry areas and whether if the argument of the Government that because the wet areas have to be supplied with these drugs, therefore we have to continue to manufacture them, is to be continued, it is open to the arrack manufacturers to manufacture and send it to the wet areas so long as they do not send it to the dry areas? "

THE HON. MR. DANIEL THOMAS :—" That again is not an analogy to the present position. There are many other sources of supply in the wet areas."

MR. PRESIDENT :—" I think the better argument will be, you are not likely to do any illicit trade the private man might."

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THE HON. MR. DANIEL THOMAS :—" As a matter of fact, from the 1st of October, we have issued instructions to this store-house not to have any transactions in opium. So far, it is only in a freezed or moribund condition. It is only by taking the power now, we are going to revive it. On the point touched by my hon. Friend, I submit that each case has to be judged according to individual circumstances. So far as the present position is concerned, I submit, Sir, the Government being a monopolist manufacturer of opium, has to supply to the wet areas which are still in operation. The only question is whether this ganja store-house is to be located in a dry area like Guntur or is to be shifted to the wet area lock, stock and barrel. The question of economy is involved there, and we, as custodians of public funds, should consider whether it will be economically advisable to scrap the store-house at Vetapalem. Therefore, on account of economy and on account of convenience in arrangement we have sought to solve this problem and there is no question of principle at all in this. The question is one of convenience, whether it should be located in a wet area or a dry area. There is this ultimate legal maxim that the King can do no wrong. After all, these laws are enacted for the purpose of the ordinary citizen." 5 p.m.

MR. PRESIDENT :—" Does the maxim mean that the King does not do any wrong? "

THE HON. MR. DANIEL THOMAS :—" So far as the law is concerned, there is no question of the King doing any wrong. What cannot exist does not exist in the eye of the law. So, Sir, it is not a question of principle at all nor is it a question of the Government of Madras having no faith in the prohibition policy. Government are already wedded to the policy of prohibition and they try to carry out that policy with all the vigour and enthusiasm which they can command, and with the promised support of my hon. Friend Mr. Lakshmanaswamy Mudaliyar. But, so far as this particular point is concerned, I submit that it is only a question of convenience, namely, the question of continuing the store-house at Vetapalem. It is not a Bill for destroying the principle to which the Government are wedded. Therefore, I submit that the Bill may be accepted by this House."

The motion was put and carried.

Clause 2 was put and carried.

Clause 1 was put and carried.

The Preamble was put and carried.

THE HON. MR. DANIEL THOMAS :—" I now move—

' *that the Bill be passed into law.*' "

The motion was put and carried and the Bill was passed into law.

The House then adjourned to meet again at 11 a.m. on Friday, the 5th December 1947.